

1 produce e-mails regarding issues of licensure?
 2 MS. GARCIA: Objection.
 3 THE WITNESS: No.
 4 MR. MORENBERG: Q. In your efforts to
 5 locate documents responsive to these requests, did
 6 you ask Saybrook faculty and staff to produce e-mails
 7 related to the subject of accreditation?

8 MS. GARCIA: Objection.
 9 THE WITNESS: I did not communicate with all
 10 Saybrook staff and all Saybrook faculty.
 11 MR. MORENBERG: Q. Did you communicate with
 12 any Saybrook staff and faculty and not in the
 13 presence of counsel whereby you specifically
 14 requested their e-mails regarding the subject of
 15 accreditation.

16 MS. GARCIA: Objection.
 17 THE WITNESS: I'm sorry. I don't recall
 18 being required to answer all questions about all
 19 accreditation.

20 MR. VARTAIN: You're right. You're right.
 21 But answer his question, if you can. Read the
 22 question back.

23 (The record was read back as follows:
 24 Q. "Did you communicate with any Saybrook
 25 staff and faculty and not in the presence of

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1 counsel whereby you specifically requested their
 2 e-mails regarding the subject of accreditation.")
 3 MS. GARCIA: Objection.
 4 THE WITNESS: No.
 5 MS. GARCIA: Do you need a break by the way
 6 or are you okay?

7 THE WITNESS: No, I'm okay.
 8 MR. MORENBERG: Q. Did you specifically
 9 request e-mails from Saybrook faculty and staff
 10 regarding communications to or from Saybrook students
 11 or graduates from Massachusetts regarding licensing
 12 problems?

13 MS. GARCIA: Objection.
 14 THE WITNESS: I asked the people who
 15 controlled Saybrook's official files for information
 16 with respect to correspondence related to
 17 Massachusetts students.
 18 MR. MORENBERG: Q. But you haven't
 19 addressed e-mail. Did you make any specific request
 20 of Saybrook faculty and staff and not in the presence
 21 of counsel whereby you asked them to search for
 22 e-mails regarding communications to or from
 23 Massachusetts students regarding licensing obstacles?

24 MS. GARCIA: Objection.
 25 THE WITNESS: Yes.

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1 MR. MORENBERG: Q. When did you do that?
 2 A. At the time that I made requests of
 3 Dr. Bruff or any other person relating to the various
 4 requests for production of equipment -- response
 5 material, I asked them to check all possible sources.
 6 Q. Did you make inquiries of all faculty
 7 advisers to Saybrook students from Massachusetts
 8 regarding e-mail or other communications regarding
 9 licensing obstacles?

10 MS. GARCIA: Objection.
 11 THE WITNESS: No.
 12 MR. MORENBERG: Q. And did you make any
 13 inquiries of Dr. Greening regarding e-mail
 14 communications to or from Massachusetts students or
 15 graduates from Saybrook regarding licensing
 16 obstacles?

17 MS. GARCIA: Objection.
 18 THE WITNESS: No.
 19 MR. MORENBERG: Q. Are you satisfied, as
 20 you sit here today, that there are no e-mail
 21 communications to or from Saybrook faculty or staff
 22 regarding licensing obstacles encountered by
 23 Massachusetts students at Saybrook?

24 MR. VARTAIN: Objection.
 25 THE WITNESS: No.

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1 MR. MORENBERG: Q. Would you agree Attorney
 2 Vartain those are relevant to this complaint?

3 MR. VARTAIN: I didn't even know what you're
 4 talking about.

5 MS. GARCIA: The answer actually was fine.
 6 I am absolutely fine with the response to that
 7 question.

8 MR. VARTAIN: What are you asking me?

9 MR. MORENBERG: I believe the witness has
 10 testified that he's not satisfied, he's determined
 11 that there are no e-mails regarding licensing
 12 obstacles.

13 MS. GARCIA: That wasn't your question and
 14 why don't you read the question back, again, please.

15 (The record was read back as follows:

16 Q. "Are you satisfied, as you sit here
 17 today, that there are no e-mail communications to
 18 or from Saybrook faculty or staff regarding
 19 licensing obstacles encountered by Massachusetts
 20 students at Saybrook?

21 A. No.")

22 MR. MORENBERG: No, he's not satisfied.

23 MS. GARCIA: He didn't. His answer was no.

24 MR. MORENBERG: The question was, are you
 25 satisfied --

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MS. GARCIA: And the answer was "no."

MR. MORENBERG: No, he's not satisfied.

MS. GARCIA: Whatever you want. I'm okay to continue.

MR. MORENBERG: Sure. We're going to continue.

Q. Mr. Reho --

THE WITNESS: I would like to consult with counsel for a minute.

MR. MORENBERG: No, I would like to finish up this line in inquiry. Mr. Reho, I just want to clarify your previous answer.

Q. Is it fair to say that you can't say definitively that there exists no e-mails to or from Saybrook faculty or staff concerning licensing obstacles encountered by Saybrook students or graduates from Massachusetts?

MR. VARTAIN: Objection.

MR. MORENBERG: Q. Do you want it read back to you?

A. No.

Q. Okay.

A. I'm satisfied that all official correspondence between Saybrook and Massachusetts students had been provided to you that we have

1 respond to what his prior testimony was because
2 that's another record. If you want to ask another
3 question, that's fine, but you are not allowed to --
4 and it is the rules in this district you can't -- and
5 the court would grant my motion for protective order
6 -- you can't ask the witness what his testimony was
7 earlier in the proceeding. That's been litigated and
8 it's up on appeal in the --

9 MR. MORENBERG: Unfortunately we are not
10 operating under California rules of procedure and
11 you're incorrect that I can't do that in
12 Massachusetts.

13 MR. VARTAIN: Well, I'm going to instruct
14 the witness not to answer any more questions about
15 what his testimony was previously in this deposition.
16 I won't instruct him as to any new questions you want
17 to ask.

18 MR. MORENBERG: Mr. Reho --

19 MR. VARTAIN: And I actually think you're
20 now getting right under the border, counsel, of
21 harassment.

22 MR. MORENBERG: You're objections throughout
23 this deposition and you're speaking objections have
24 been totally inappropriate. And I think you're
25 getting on the edge of sanctions.

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1 available.

2 Q. And --

3 A. I am not satisfied that any personal
4 correspondence which took place outside of Saybrook
5 system and was of an informal or personal nature
6 between a faculty member and a student. I have no
7 idea how or where or when that may have taken place
8 at any time in history.

9 Q. And when you say outside of Saybrook's
10 system, are you referring to communications that were
11 not done on Saybrook e-mail accounts?

12 MS. GARCIA: Objection.

13 THE WITNESS: Yes. Actually.

14 MR. MORENBERG: But you testified that you
15 made no inquiry of all faculty advisers to
16 Massachusetts students and graduates about their
17 e-mail communications regarding licensing obstacles
18 in Massachusetts, correct?

19 MS. GARCIA: Objection.

20 MR. VARTAIN: Objection. Now you're
21 mischaracterizing his testimony.

22 MR. MORENBERG: What you're doing is totally
23 improper. The witness can respond to the question.
24 The question is proper.

25 MR. VARTAIN: I am not going to let him

1 Q. Mr. Reho, I will ask you the question,
2 again. Did you contact all Saybrook faculty advisers
3 to Massachusetts students or graduates who reside --
4 strike that.

5 Did you contact all Saybrook faculty
6 advisers to students or graduates of Saybrook who
7 reside in Massachusetts to determine if they have
8 received or sent any e-mails including Saybrook
9 e-mails regarding licensing obstacles in
10 Massachusetts?

11 MS. GARCIA: Objection.

12 THE WITNESS: No. Can I take a five minute
13 break?

14 MR. MORENBERG: Yeah.

15 (Short break. 1:55-2:03)

16 MR. MORENBERG: Mr. Reho, are you aware of
17 any Saybrook administrators other than yourself who
18 made inquiries to Saybrook's faculty advisers to
19 Massachusetts students or graduates of Saybrook who
20 may have encountered licensing obstacles in
21 Massachusetts?

22 MR. VARTAIN: Objection.

23 MR. MORENBERG: Read me back the question.
24 (The record was read back as follows:
25 Q. "Mr. Reho, are you aware of any

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1 Saybrook administrators other than yourself who
 2 made inquiries to Saybrook's faculty advisers to
 3 Massachusetts students or graduates of Saybrook
 4 who may have encountered licensing obstacles in
 5 Massachusetts?"

6 THE WITNESS: I'm sorry. Is there some way
 7 you might restate that question.

8 MR. MORENBERG: Sure I'll withdraw the
 9 question. I will ask a different one.

10 (Plaintiff's Exhibit 80, Plaintiff's
 11 first set of interrogatories, was
 12 marked for identification.)

13 MR. MORENBERG: Q. Do you recognize Exhibit
 14 80?

15 A. Yes.

16 Q. Can you look at page 28 on the back of the
 17 document. Did you sign that under penalties of
 18 perjury?

19 A. Yes.

20 Q. If you can look at page 7, Interrogatory No.
 21 6 and read it to yourself.

22 MS. GARCIA: For him to answer any questions
 23 on that because it refers to Interrogatory No. 5, he
 24 will also need to read Interrogatory No. 5.

25 MR. MORENBERG: Sure. That's fine.

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1 MR. MORENBERG: You have no right to make
 2 this speeches. And you should stop doing so. It's a
 3 legitimate question. What you want to accomplish is
 4 achieved by the word objection.

5 THE WITNESS: Can you read that back please.

6 (The record was read back as follows:

7 Q. "So how are you able to answer that
 8 Dr. Francis is the only Massachusetts student or
 9 graduate of Saybrook who encountered licensing
 10 obstacles in the Commonwealth of Massachusetts.

11 MS. GARCIA: Objection.

12 THE WITNESS: No.

13 MR. MORENBERG: Q. So how are you able
 14 to answer that Dr. Francis is the only
 15 Massachusetts student or graduate of Saybrook who
 16 encountered licensing obstacles in the
 17 Commonwealth of Massachusetts?"

18 THE WITNESS: That was the only student for
 19 whom we had official information and documentation in
 20 our files.

21 MR. MORENBERG: Q. But you would agree that
 22 you didn't make inquiry of other Saybrook faculty
 23 advisers to other Saybrook students and graduates
 24 from Massachusetts, correct?

25 MS. GARCIA: Objection.

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1 A. Okay.

2 Q. Would you agree that in your answer to this
 3 interrogatory the only Massachusetts student you
 4 identify who encountered licensing obstacles was
 5 Richard Francis?

6 A. Yes.

7 MS. GARCIA: Objection.

8 THE WITNESS: Yes.

9 MR. MORENBERG: Q. Did you contact all
 10 Saybrook faculty advisers to other Massachusetts
 11 students -- strike that.

12 Did you contact all faculty advisers to
 13 Saybrook students or graduates from Massachusetts to
 14 determine if any of their advisees encountered
 15 licensing obstacles in Massachusetts?

16 MS. GARCIA: Objection.

17 THE WITNESS: No.

18 MR. MORENBERG: Q. So how are you able to
 19 answer that Dr. Francis is the only Massachusetts
 20 student or graduate of Saybrook who encountered
 21 licensing obstacles in the Commonwealth of
 22 Massachusetts?

23 MS. GARCIA: Objection.

24 MR. VARTAIN: Counsel. He has signed a
 25 verification.

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1 THE WITNESS: Yes.

2 MR. MORENBERG: Q. So is it fair to say
 3 that you can not be sure that you've produced --
 4 strike that.

5 Is it fair to say that you cannot be sure
 6 that you've identified all Saybrook students or
 7 graduates from Massachusetts who communicated
 8 licensing obstacles to Saybrook faculty advisers?

9 MS. GARCIA: Objection.

10 THE WITNESS: Yes.

11 MR. VARTAIN: Where are you at, counsel, in
 12 your timing?

13 MR. MORENBERG: I am wrapping up. I think
 14 you're making things worse by making these speaking
 15 objections that take a minute for each one.

16 MR. VARTAIN: How much more do you have?

17 MR. MORENBERG: I think I can wrap up in
 18 fifteen to twenty minutes.

19 MR. VARTAIN: Do you want a break?

20 THE WITNESS: No, I'm fine. I'm okay.

21 Thank you.

22 MR. MORENBERG: Maybe sooner.

23 Q. I'm wrapping up. Are you satisfied that
 24 Saybrook produced all official correspondence from
 25 its staff or faculty that concerned licensing

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obstacles encountered by students or graduates to Saybrook who reside in Massachusetts?

3 MS. GARCIA: Objection.

4 THE WITNESS: Yes.

5 MR. MORENBERG: If I could turn your
6 attention to Exhibit 50. Maureen O'Hara's
7 deposition.

8 Q. Mr. Reho -- before you go through that I'm
9 haven't asked him any questions yet.

10 MS. GARCIA: Yes, but you did ask him to
11 turn your attention to Exhibit 50. So he's allowed
12 to look at that unless you tell him not to.

13 MR. MORENBERG: I rather you not look at it
14 yet.

15 MS. GARCIA: Okay.

16 MR. MORENBERG: Q. Did you have any
17 telephone discussions or in-person discussions with
18 Professor Serlin regarding any communications she
19 sent on behalf of a Saybrook student or graduate who
20 encountered licensing obstacles in Massachusetts?

21 MS. GARCIA: Objection.

22 THE WITNESS: No.

23 MR. MORENBERG: Q. Did you have any e-mail
24 communications with Dr. Serlin requesting that she
25 produce documents of any communications on behalf of

137 1 from Eileen Serlin on Saybrook letterhead to the
2 Board of Registration of Psychologists dated December
3 3, 2000. Could you look at that document, please.

4 A. Yes.

5 Q. Would you agree that you did not produce
6 this document on behalf of Saybrook?

7 A. Yes.

8 Q. To your knowledge, did anyone at Saybrook
9 produce this document?

10 A. No.

11 Q. If you could turn to what's marked as
12 exhibit -- strike that.

13 MR. VARTAIN: In my shortcut, I am happy to
14 tell you -- you might not know who that person is --
15 in terms of Professor Serlin. So I am happy to state
16 it on the record --

17 MR. MORENBERG: There is really no point to
18 what you're saying.

19 MR. VARTAIN: Fine. You're going to go down
20 a wild goose chase.

21 MR. MORENBERG: Q. Do you know who
22 Dr. Serlin is?

23 A. Yes.

24 Q. Is she alive?

25 A. Dr. Serlin is a former faculty member at

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1 a student or a graduate of Saybrook from
2 Massachusetts regarding licensing obstacles
3 encountered by that student in Massachusetts?

4 MS. GARCIA: Objection.

5 THE WITNESS: No.

6 MR. MORENBERG: Can you read back the first
7 part of the question.

8 (The record was read back as follows:

9 Q. "Did you have any e-mail communications
10 with Dr. Serlin requesting that she produce
11 documents of any communications")

12 MR. MORENBERG: Okay. That's fine.

13 Q. Did you have any telephone or in-person
14 discussions with Dr. Greening and, of course, not in
15 the presence of counsel by which you asked Dr.
16 Greening to produce documents regarding Saybrook
17 students or graduates who reside in Massachusetts who
18 had difficulty obtaining licensure in Massachusetts?

19 MR. VARTAIN: Objection.

20 THE WITNESS: No.

21 MR. MORENBERG: Turning your attention now
22 to Exhibit 50. If you could look at -- let's mark as
23 Exhibit -- page 8 of the document. If you could look
24 at the three pages starting -- strike that.

25 I'm directing your attention to a letter

1 Saybrook. And, to my knowledge, she's alive.

2 Q. Is Dr. Greening alive?

3 A. Yes. Dr. Greening is still alive.

4 Q. Is Dr. Greening a current faculty member of
5 Saybrook?

6 A. Dr. Greening is currently a faculty member
7 of Saybrook.

8 Q. Did you produce a letter by Dr. Greening
9 regarding licensing obstacles encountered by Richard
10 Francis in the Commonwealth of Massachusetts?

11 A. No. I did not produce his personal letter.

12 Q. Why didn't you produce it?

13 MS. GARCIA: Objection.

14 THE WITNESS: I produced all official
15 Saybrook documentation that we had in the students'
16 files.

17 MR. MORENBERG: Q. But you didn't talk to
18 Dr. Greening to see if he had any documents on behalf
19 of Richard Francis and concerning his candidacy for
20 licensure before the Massachusetts Board of
21 Registration of Psychologists, did you?

22 MS. GARCIA: Objection.

23 THE WITNESS: You've asked me that before.

24 The answer is the same, no, I have not had
25 conversations with Dr. Greening about Dr. Francis.

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